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FISCAL IMPACT STATEMENT

LS 6337

BILL NUMBER: SB 290

NOTE PREPARED: Dec 4, 2004

BILL AMENDED:

SUBJECT: Restitution Orders.

FIRST AUTHOR: Sen. Mrvan

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill provides that restitution ordered in a criminal or juvenile proceeding is a final judgment and has the effect of a final judgment in a civil action.

Effective Date: July 1, 2005.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: This bill potentially reduces staff time for prosecuting attorneys staff and has no likely effect on probation staff. The bill would simplify current court procedures, allowing a victim to use the same final judgement for both criminal and civil actions. Currently, a victim must obtain two separate judgements, one in criminal court and one in civil court, if the person ordered to pay the restitution does not pay. This bill could reduce court time and workload for prosecuting attorneys since staff in the prosecuting attorney's office would not be required to appear in civil court with the victim to enforce the order. Any decrease in court time or workload for prosecuting attorneys will depend on the number of cases falling under the requirements of this bill.

As a condition of probation, restitution is automatically entered as a judgement at the time of sentencing. The probation officer is then responsible to collect the restitution. Probation officers' workloads are not likely to be affected since probation officers also collect other fees. The percentage of the population caseload that is ordered to pay restitution ranges from 10% to 75% depending on the county.

Background Information: Under current law, a court can order a person who is on probation to pay restitution to a victim of a crime that was conducted by the person on probation. The money paid by the person can be either paid to the Criminal Justice Institute of Indiana or to the clerk of the circuit court.

During CY 2003, trial courts in 69 counties and courts in 8 cities reported receiving \$6.18 M in restitution from probationers to be forwarded to aggrieved parties.

| Restitution (In Millions) Collected From Offenders on Probation By Calendar Year | | | | | |
|--|-------------|-------------|-------------|-------------|-------------|
| <u>1998</u> | <u>1999</u> | <u>2000</u> | <u>2001</u> | <u>2002</u> | <u>2003</u> |
| \$5.49 | \$5.72 | \$6.81 | \$7.17 | \$6.59 | \$6.18 |

The Indiana Criminal Justice Institute reports the following revenues have been collected for victim restitution and deposited in the Victims Compensation Fund.

| Court-Ordered Restitution Deposited in Violent Crime Victims Compensation Fund By Fiscal Year | | | | | |
|--|-------------|-------------|-------------|-------------|-------------|
| <u>1999</u> | <u>2000</u> | <u>2001</u> | <u>2002</u> | <u>2003</u> | <u>2004</u> |
| \$45,935 | \$32,214 | \$26,423 | \$32,203 | \$22,435 | \$24,258 |

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Trial courts; Local law enforcement agencies; Prosecuting attorneys.

Information Sources: Probation Reports 1999 – 2003, Office of State Court Administration, Office of State Auditor, Account Number 3180/150000/49020; Todd McCormack, Hendricks County, 317-745-9264; Christina Ball, Marion Superior Court Probation, 317-327-4596; Lance Hamner, Prosecuting Attorney, Johnson County.

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